IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16768 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE D.A.MEHTA
and
HON'BLE MS.JUSTICE H.N.DEVANI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VASANT FABRICS PVT LTD

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 16768 of 2004

MS AMRITA M THAKORE for Petitioner No. 1-2

MR JITENDRA MALKAN for Respondent No. 1

MR YN RAVANI for Respondent No. 2

..... for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE D.A.MEHTA
and
HON'BLE MS.JUSTICE H.N.DEVANI

Date of decision: 10/05/2005

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE D.A.MEHTA)

1 Mr.Y.N.Ravani, learned Addl. Standing Counsel for the Central Government makes a statement, under instructions, that the present proceedings shall be dropped by the respondent authorities and an opportunity of hearing shall be granted to the petitioner by the respondent authorities before making any order of attachment or initiating any recovery proceedings in accordance with the provisions of Section 11 and the Proviso thereunder of the Central Excise Act,1944.

2 In view of the statement made by Mr.Ravani, the impugned orders do not survive and hence Ms.Thakore, learned Advocate for the petitioner seeks permission to withdraw the petition. Permission granted. The petition stands disposed of as withdrawn in the circumstances. Rule discharged. The petition is accordingly disposed of. There shall be no order as to costs.

(D.A.Mehta, J)

(H.N.Devani, J)

m.m.bhatt